

## **REMARKS**

### **I. Introduction**

With the addition of new claims 27 to 31 and the cancellation of claims 1 and 11 herein without prejudice, claims 2 to 10, 12 to 17 and 27 to 31 are currently pending. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

As an initial matter, Applicants respectfully request acknowledgment of the claim for foreign priority and an acknowledgment that a certified copy of the priority application was filed in the parent application, i.e., U.S. Patent Application Serial No. 09/971,504.

### **Objection to the Specification**

As regards the objection to the Specification, while Applicants do not necessarily agree with the merits of this objection, to facilitate matters, the Specification has been amended herein without prejudice to provide express antecedent basis for all terms and phrases used in the claims as presented. No new matter has been added. In view of the foregoing, withdrawal of this objection is respectfully requested.

### **Rejections of Claims 1 to 17 Under 35 U.S.C. § 112**

Claims 1 to 17 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. Applicants respectfully submit that the claims fully comply with the definiteness requirement for the following reasons.

As regards the phrase "configured to react with oxygen," while Applicants believe that this phrase is sufficiently clear, to facilitate matters, the phrase "configured to react with oxygen" has been changed to --configured to at least one of chemically react with oxygen and bind with oxygen--.

As regards claims 2, 3, 7, 8, 10, 11, 13 and 17, while Applicants believe that these claims as originally filed are sufficiently clear, to facilitate matters, these claims have been amended herein without prejudice to even more clearly set forth the subject matter of these claims.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

## **II. Allowable Subject Matter**

Applicants note with appreciation the indication of allowable subject matter contained in claims 10 and 17. In this regard, the Examiner will note that each of claims 10 and 17 has been rewritten herein in independent form to include all of the features recited in its respective base claim. It is therefore respectfully submitted that claims 10 and 17 are in condition for immediate allowance.

Claims 2 to 8 have been amended herein without prejudice to depend from claim 10, claim 9 now ultimately depends from claim 10, and new claim 27 depends from claim 10. It is therefore respectfully submitted that these dependent claims are in condition for immediate allowance.

Claims 12 to 16 have been amended herein without prejudice to depend from claim 17. It is therefore respectfully submitted that these dependent claims are also in condition for immediate allowance.

## **III. Rejections of Claims 1 to 9 and 11 to 16**

As regards the rejections set forth in paragraphs 5 to 13 of the Office Action, while Applicants do not necessarily agree with the merits of any of these rejections, claims 1 and 11 have been canceled herein without prejudice, claims 2 to 8 have been amended herein without prejudice to depend from claim 10, which was indicated to include allowable subject matter, claim 9 now ultimately depends from claim 10, and claims 12 to 16 have been amended herein without prejudice to depend from claim 17, which was indicated to include allowable subject matter. It is therefore respectfully submitted that all of these rejections are moot, and withdrawal of these rejections is respectfully requested.

## **IV. New Claims 27 to 31**

New claims 27 to 31 have been added herein. It is respectfully submitted that claims 27 to 31 add no new matter and are fully supported by the present application, including the Specification.

Since claim 27 depends from claim 10, it is respectfully submitted that claim 27 is patentable over the references relied upon for at least the same reasons that claim 10 was indicated to include allowable subject matter.

Since claim 28 includes features analogous to features included in claim 10, it is respectfully submitted that claim 28 and claim 29, which depends from claim 28, are patentable over the references relied upon for at least the same reasons that claim 10 was indicated to include allowable subject matter.

As regards claim 30, it is respectfully submitted that claim 30 is patentable over the references relied upon for at least the reason that none of the references relied upon disclose a brake device that includes: a corrosion protective coating including a protective substance that at least one of chemically reacts with oxygen and binds with oxygen and that is configured to fill one of a pore and a score of average size on a braking surface of the brake device upon abrading the corrosion protective coating by a brake lining during braking.

As regards claim 31, it is respectfully submitted that claim 31 is patentable over the references relied upon for at least the reason that none of the references relied upon disclose a corrosion protective coating that includes: a lacquer including a protective substance that at least one of chemically reacts with oxygen and binds with oxygen and that is configured to fill one of a pore and a score of average size on a braking surface of at least one of a brake disk and a brake drum upon abrading the corrosion protective coating by a brake lining during braking.

#### V. Conclusion

Applicants respectfully submit that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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